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09/832,254	04/09/2001	James Y. Liu	005580.P001	9476
7590	07/28/2004		EXAMINER	
Bradley J. Bereznak BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			PATEL, ASHOKKUMAR B	
		ART UNIT	PAPER NUMBER	
		2154		
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/832,254	LIU ET AL.
	Examiner	Art Unit
	Ashok B. Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 April 2001.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-58 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-58 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/26/01, 9/10/01</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. Application Number 09/832, 254 was filed on 04/09/2001. Claims 1-58 are subject to examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-44, 47-49, 52-54 and 58 are rejected under 35 U.S.C. 102(e) as being anticipated Kim et al. (hereinafter Kim)(US 5, 701, 440).

### **Referring to claim 1,**

The reference teaches a system, comprising:

a recipient's email gateway (Fig.2, elements 104 and 114) connected to a network and configured to receive email messages from the network; (Fig.2, elements 104, 108, 120 and 122) and

a group of email-scanning servers comprising one or more email scanning servers, each of the email-scanning servers configured with anti-virus software to scan and clean viruses, the group of email-scanning servers connected to the network, (Fig.1, elements 102, 104, 110, 114)

wherein when the recipient's email gateway receives an email message from the network, the email message is transmitted to the group of email-scanning servers to generate a clean email message using the anti-virus software, and

wherein the clean email message is transmitted by the group of email-scanning servers to the recipient's email gateway. (col.5, lines 6-65, note: the email virus detection system 100 can act as a gateway that is connected to a network (internet 108) wherein the POP server (recipient's gateway server) receives an email and transmits to quarantine server (element 110, email-scanning servers) for cleaning., col.10, lines 17-34)

**Referring to claims 2 and 30,**

The reference teaches the system of claim 1, wherein the email message is transmitted from the recipient's email gateway (Fig.2, element 104 and 114) to the group of email-scanning servers (Fig.2, element 110) after the email message is verified to determine if the email message needs to be scanned and cleaned. (col.5, lines 31-35)

**Referring to claim 3,**

The reference teaches the system of claim 2, wherein the email message is verified by determining source of the email message, wherein when the source of the email message is the group of the email-scanning servers, the email message has already been scanned and cleaned. (col.6, lines 57-64)

**Referring to claims 4 and 31,**

The reference teaches the system of claim 2, wherein the email message is verified by checking a status code in a header of the email message, wherein after the group of the

email-scanning servers scan and clean the email message, the status code is updated. (col.6, lines 16-47).

**Referring to claims 5 and 32,**

The reference teaches the system of claim 1 , wherein the email message is transmitted from the recipient's email gateway to the group of email-scanning servers using a pre-configured IP address of the group of email-scanning servers or using a DNS server connected to the network to determine an IP address of the group of email-scanning servers. (Fig.2, element 104 and 110, contains IP address of either “www.McAfee.com/webmail” or “POP.McAfee.com”)

**Referring to claims 6, 7, 33, and 34,**

The reference teaches the system of claim 1, wherein the group of email-scanning servers includes incoming email processing logic to receive the email message to be scanned and cleaned (Fig.2, element 112) and outgoing email processing logic to transmit the clean email message.(Fig.2, element 118), and , wherein the group of email-scanning servers further includes subscriber verification processing logic to determine if the email message belongs to a recipient who is a subscriber to an email scanning and cleaning service performed by the group of email-scanning servers. (Fig.2, element 102).

**Referring to claims 8 and 35,**

The reference teaches the system system of claim 1 , wherein each email-scanning server in the group of email-scanning servers(Fig.2, element 110) comprises one or more anti-virus software.(col.9, lines 46-53)

**Referring to claims 9 and 36,**

The reference teaches the system of claim 1, wherein the recipient's email gateway includes email server processing logic. (Fig.2, elements 104 and 114, col.10, lines 17-34)

**Referring to claims 10 and 37,**

The reference teaches the system of claim 1, further comprising a recipient's email server (Fig.2, element 122) coupled with the recipient's email gateway and connected to the network, wherein after the recipient's email gateway receives the clean email messages from the group of email-scanning servers, the recipient's email gateway transmits the clean email messages to the recipient's email server. (Fig.2, elements 104, 110 and 114)

**Referring to claim 11,**

The reference teaches the system of claim 1, wherein the recipient's email gateway is further configured to receive the email messages from a service provider's email server. (Fig.2, element 108, the system 100 is connected to internet and thereby it is configured to receive the email messages from a service provider's email server.)

**Referring to claim 12,**

Claim 12 is a claim to method steps that are carried out by the system of claim 1. Therefore claim 12 is rejected for the reasons set forth for claim 1.

**Referring to claim 13,**

Claim 13 is a claim to method steps that are carried out by the system of claim 2. Therefore claim 13 is rejected for the reasons set forth for claim 2.

**Referring to claim 14,**

Claim 14 is a claim to method steps that are carried out by the system of claim 3.

Therefore claim 14 is rejected for the reasons set forth for claim 3.

**Referring to claim 15,**

Claim 15 is a claim to method steps that are carried out by the system of claim 4.

Therefore claim 15 is rejected for the reasons set forth for claim 4.

**Referring to claim 16,**

Claim 16 is a claim to method steps that are carried out by the system of claim 5.

Therefore claim 16 is rejected for the reasons set forth for claim 5.

**Referring to claim 17,**

Claim 17 is a claim to method steps that are carried out by the system of claims 6 and

7. Therefore claim 17 is rejected for the reasons set forth for claims 6 and 7.

**Referring to claim 18,**

Claim 18 is a claim to method steps that are carried out by the system of claim 10.

Therefore claim 18 is rejected for the reasons set forth for claim 10.

**Referring to claim 19,**

Claim 19 is a claim to method steps that are carried out by the system of claim 11.

Therefore claim 19 is rejected for the reasons set forth for claim 11.

**Referring to claim 20,**

Claim 20 is a claim to a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to

perform the steps of a method of claim 12. Therefore claim 20 is rejected for the reasons set forth for claim 12.

**Referring to claim 21,**

Claim 21 is a claim to a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform the steps of a method of claim 13. Therefore claim 21 is rejected for the reasons set forth for claim 13.

**Referring to claim 22,**

Claim 22 is a claim to a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform the steps of a method of claim 14. Therefore claim 22 is rejected for the reasons set forth for claim 14.

**Referring to claim 23,**

Claim 23 is a claim to a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform the steps of a method of claim 15. Therefore claim 23 is rejected for the reasons set forth for claim 15.

**Referring to claim 24,**

Claim 24 is a claim to a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform the steps of a method of claim 16. Therefore claim 24 is rejected for the reasons set forth for claim 16.

**Referring to claim 25,**

Claim 25 is a claim to a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform the steps of a method of claim 17. Therefore claim 25 is rejected for the reasons set forth for claim 17.

**Referring to claim 26,**

Claim 26 is a claim to a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform the steps of a method of claim 18. Therefore claim 26 is rejected for the reasons set forth for claim 18.

**Referring to claim 27,**

Claim 27 is a claim to a computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform the steps of a method of claim 19. Therefore claim 27 is rejected for the reasons set forth for claim 19.

**Referring to claim 28,**

The reference system, comprising:

    a service provider's email server connected to a network and configured to receive email messages from the network; (Fig.2, element 108, the system 100 is connected to internet and thereby it is configured to receive the email messages from a service provider's email server.)

a recipient's email gateway coupled with the service provider's email server and connected to the network (Fig.2, elements 108, 106, and 104), the recipient's email gateway configured to retrieve the email messages from the service provider's email server at predetermined time periods; ("pull" and "forwarding requests for forwarding of data when the predetermined time has elapsed" techniques are well known in the art), and

a group of email-scanning servers comprising one or more email scanning servers, each of the email-scanning servers includes anti-virus software to scan and clean viruses, the group of email-scanning servers connected to the network,

wherein when the recipient's email gateway retrieves the email messages from the service provider's email server, the email messages are transmitted to the group of email-scanning servers to generate clean email messages. (col.5, lines 6-65, note: the email virus detection system 100 can act as a gateway that is connected to a network (internet 108) wherein the POP server (recipient's gateway server) receives an email and transmits to quarantine server (element 110, email-scanning servers) for cleaning., col.10, lines 17-34)

**Referring to claim 29,**

The reference teaches a system of claim 28, wherein the clean email messages are transmitted by the group of email-scanning servers to the recipient's email gateway or to the service provider's email server. (Fig.2, element 114 which is considered a server that constitutes the recipient's gateway as stated above or element 108, the system 100

is connected to internet and thereby it is configured to transmit the email messages to a service provider's email server.)

**Referring to claim 38,**

Claim 38 is a claim to method steps that are carried out by the system of claim 28.

Therefore claim 38 is rejected for the reasons set forth for claim 28.

**Referring to claim 39,**

Claim 39 is a claim to method steps that are carried out by the system of claim 30.

Therefore claim 39 is rejected for the reasons set forth for claim 30.

**Referring to claim 40,**

The reference teaches the method of claim 39, wherein verifying comprises checking source of the incoming email messages, and wherein when the source of the incoming email messages is the group of email-scanning servers, the incoming email messages are clean. (col.6, lines 57-64)

**Referring to claim 41,**

Claim 41 is a claim to method steps that are carried out by the system of claim 31.

Therefore claim 41 is rejected for the reasons set forth for claim 31.

**Referring to claim 42,**

Claim 42 is a claim to method steps that are carried out by the system of claim 32.

Therefore claim 42 is rejected for the reasons set forth for claim 32.

**Referring to claim 43,**

Claim 43 is a claim to method steps that are carried out by the system of claim 34.

Therefore claim 43 is rejected for the reasons set forth for claim 34.

**Referring to claim 44,**

The reference teaches a system, comprising:

a sender's email server connected to a network, (Fig.2, elements 106 and 108, an email is coming from a sender who is connected to a network)

a group of email-scanning servers comprising one or more email scanning servers, each of the email-scanning servers includes one or more anti-virus software to scan and clean viruses, the group of email-scanning servers connected to the network, the sender's email gateway transmitting the email messages to the group of email-scanning servers to scan and clean the email messages to generate clean email messages, wherein the clean email messages are stored in an email queue coupled with the group of email-scanning servers; and (Fig.2, elements 102, 104, 110, 114)

a recipient's email gateway (Fig.2, element 122, in this scenario, the email scanning servers are third party service providers as presented, and element 122, server is recipient's email gateway to internet) connected to the network, the recipient's email gateway configured to send forward requests to the group of email-scanning servers at predetermined time intervals, wherein when the forward requests are received, the clean email messages are transmitted from the email queue to the recipient's email gateway. (Fig.2, element 122, server is recipient's email gateway to internet is accepting "forwarded e-mail messages" as shown in Fig.2, "pull" and "forwarding requests for forwarding of data when the predetermined time has elapsed" techniques are well known in the art)

**Referring to claims 47 and 48,**

The reference teaches the system of claim 44, wherein the recipient's email gateway sends forward requests to the group of email-scanning servers using a pre-configured IP address of the group of email-scanning servers or using an IP address provided by a data name system (DNS) connected to the network, (Fig.2 element 100, the third party email-scanning service provider has the IP address as shown) and wherein the forward requests are sent at predetermined time intervals. , ("pull" and "forwarding requests for forwarding of data when the predetermined time has elapsed" techniques are well known in the art)

**Referring to claim 49,**

The reference teaches the system of claim 44, wherein authentication information is sent with the forward requests. (col.7, lines 62 thru col.8, lines 1-7).

**Referring to claims 52 and 53,**

The reference teaches the system of claim 44, wherein the group of email-scanning servers includes incoming email processing logic to receive the email message from the sender's email server (Fig.2, element 106) and outgoing email processing logic to transmit the clean email message to the recipient's email gateway. (Fig.2, element 120), and the reference teaches the system of claim 44, wherein the group of email-scanning servers further includes subscriber verification processing logic to determine if the email message belongs to a recipient whose email messages are to be scanned and cleaned. (Fig.2, element 102).

**Referring to claim 54,**

Claim 54 is a claim to a method steps that are carried out by the system of claim 44.

Therefore claim 54 is rejected for the reasons set forth for claim 44.

**Referring to claim 58,**

Claim 58 is a claim to a method steps that are carried out by the system of claim 48.

Therefore claim 58 is rejected for the reasons set forth for claims 47 and 48.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 45, 46, 50, 51 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (hereinafter Kim)(US 5, 701, 440) in view of Cooper (pub. No. US 2002/0129111 A1)

**Referring to claims 45 and 46,**

Keeping in mind the teachings of the reference Kim as stated above, the reference fails to explicitly teach the system, wherein the recipient's email gateway uses dynamic Internet protocol (IP) addressing and, wherein the recipient's email gateway monitors its dynamic IP address and stores the dynamic IP address when it changes. The reference Cooper teaches the creation and use of the dynamic IP address wherein the recipient's email gateway monitors its dynamic IP address and stores the dynamic IP

address when it changes. (page 2, para,[0011]-[0014], [0024] and page 3, para.[0025]). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to apply the ability of Cooper's email service provider's system-capability to the to Kim's recipient's email gateway since email system is susceptible to abuse by advertisers and others trying to reach large "audiences" without having to incur the costs of postage and paper handling of regular ("snail") mail and viruses as jointly taught by both references.

**Referring to claims 50, 51, 55, 56 and 57,**

Keeping in mind the teachings of the reference Kim as stated above, the reference fails to explicitly teach the system, wherein the forward request comprises a dynamic IP address of the recipient's email gateway and email address of a recipient, and wherein the email address or Internet domain name of the recipient is used to identify the clean email messages stored in the email queue to be retrieved. The reference Cooper teaches the creation and use of the dynamic IP address wherein the recipient's email gateway monitors its dynamic IP address and stores the dynamic IP address when it changes. (page 2, para,[0011]-[0014], [0024] and page 3, para.[0025]).

As taught by the reference Cooper, when the forward request is made, the request contains the real email address of the recipient and then the dynamic address is created. (, wherein the forward request comprises a dynamic IP address of the recipient's email gateway and email address of a recipient,).Also, as taught by the reference Cooper in para.[0025] on page 3, the email service provider can establish domain names for use by the recipients as part of dynamic IP address (wherein the

email address or Internet domain name of the recipient is used to identify the clean email messages stored in the email queue to be retrieved.). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to apply the ability of Cooper's email service provider's system-capability to the to Kim's recipient's email gateway since email system is susceptible to abuse by advertisers and others trying to reach large "audiences" without having to incur the costs of postage and paper handling of regular ("snail") mail and viruses as jointly taught by both references.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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